

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ERIC ROGERS,

Plaintiff,

-v-

CURRY EXPRESS 1 CORP. et al.,

Defendants.
-----X

19-CV-8978 (JMF)

ORDER SCHEDULING
DEFAULT JUDGMENT
BRIEFING AND SHOW
CAUSE HEARING

JESSE M. FURMAN, United States District Judge:

On September 26, 2019, Plaintiff filed his Complaint with the Court. *See* ECF No. 1. Defendants were served with the Complaint on October 15, 2019, and proof of service was filed with the Court. *See* ECF Nos. 7-8. To date, Defendants have neither answered the Complaint, nor otherwise appeared in this action. In light of the foregoing, it is hereby ORDERED that any motion for default judgment shall be filed, in accordance with the Court’s Individual Rules and Practices for Civil Cases (available at <https://nysd.uscourts.gov/hon-jesse-m-furman>), no later than **January 23, 2020**. Defendants shall file any opposition to the motion for default judgment no later than **January 30, 2020**. Defendant 135 Lexington Avenue LLC is cautioned that a limited liability company may appear in federal court only through licensed counsel, *see Lattanzio v. COMTA*, 481 F.3d 137, 140 (2d Cir. 2007), and where a limited liability company “repeatedly fails to appear by counsel, a default judgment may be entered against it,” *Grace v. Bank Leumi Tr. Co. of N.Y.*, 443 F.3d 180, 192 (2d Cir. 2006) (internal quotation marks omitted). Defendant Curry Express 1 Corp. is cautioned that a corporation may appear in federal court only through licensed counsel, and “where a corporation repeatedly fails to appear by counsel, a default judgment may be entered against it.” *Grace v. Bank Leumi Tr. Co. of N.Y.*, 443 F.3d 180, 192 (2d Cir. 2006) (internal quotation marks omitted).

If a motion for default judgment is filed, it is further ORDERED that Defendants appear and show cause before this Court, Courtroom 1105 of the Thurgood Marshall Courthouse, 40 Centre Street, New York, New York, on **February 3, 2020**, at **4:00 p.m.**, why an order should not be issued granting a default judgment against Defendants. Prior to that date, Plaintiff must file the proposed default judgment order electronically, using the ECF Filing Event “Proposed Default Judgment,” for the Clerk’s approval.

In the event that any Defendant appears or opposes the motion for default judgment prior to that date, the parties shall prepare to treat that conference as the initial pretrial conference with respect to any such appearing Defendant. That is, if any Defendant appears, opposes the motion, or seeks a *nunc pro tunc* extension of time to respond to the complaint, then the parties — including any such appearing Defendant — shall follow the pre-conference procedures specified in the Court’s Orders of September 27, 2019, including by submitting a joint letter addressing

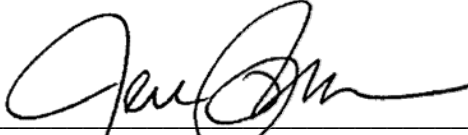
certain topics and a proposed case management plan no later than the Thursday prior to the conference and by participating in an early mediation session at least two weeks prior to the conference. *See* ECF Nos. 5-6.

It is further ORDERED that Plaintiff serve Defendants via overnight courier (1) with a copy of this Order within **one business day of the date of this Order**; and (2) with a copy of the motion for default judgment and all supporting papers within **one business day** of the date of any such motion. In each case, within **two business days of service**, Plaintiff must file proof of such service on the docket.

Finally, it is ORDERED that the initial pretrial conference previously scheduled for January 16, 2020, is adjourned *sine die*.

SO ORDERED.

Dated: January 9, 2020
New York, New York



JESSE M. FURMAN
United States District Judge